

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANGELA GAINS,

Plaintiff,

vs.

JESSICA LEE, *et al.*,

Defendants.

2:11-cv-00575-JCM-LRL

ORDER

Presently before the court is defendants Lea Baker, Joel Farina, Jessica Lee, and Rick Rose's motion to dismiss plaintiff Angela Gaines's complaint. (Doc. #21). Ms. Gaines has failed to file a response.

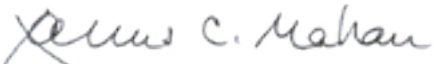
Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

1 In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*, the
2 court finds dismissal appropriate.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to dismiss
5 (doc. #21) be, and the same hereby is, GRANTED.

6 DATED October 20, 2011.

7
8 
9 UNITED STATES DISTRICT JUDGE